

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JUUL LABS INC., :
: :
Plaintiff, : :
: : ORDER
-against- : :
: : 21-cv-3240 (ENV) (RER)
GATES MINI MARKET CORP., :
: :
Defendant. : :
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VITALIANO, D.J.

On February 9, 2022, Magistrate Judge Ramon E. Reyes, Jr. issued a report and recommendation (“R&R”) concluding that (1) plaintiff JUUL Labs Inc. (“JLI”) be granted default judgment with respect to its Lanham Act claims concerning counterfeit goods, gray market goods, and false designation of origin claims, and its common law trademark infringement claim; (2) plaintiff’s claims of unfair competition under the Lanham Act and the common law, and its deceptive acts and practices under section 349 of New York General Business Law, be dismissed; (3) plaintiff be awarded \$50,000 in damages and post-judgment interest on those damages at the statutory rate; and (4) a permanent injunction be issued barring defendant Gates Mini Market from selling counterfeit and gray market JLI products.

With notice given, no party has filed objections to Judge Reyes’s R&R. In accordance with the applicable clear-error standard of review, *see Dafeng Hengwei Textile Co. v. Aceco Indus. & Commercial Corp.*, 54 F. Supp. 3d 279, 283 (E.D.N.Y. 2014), the Court has carefully reviewed the report and recommendations and finds them to be correct, well-reasoned, and free of any clear error. The Court, therefore, adopts them in their entirety as the opinion of the Court. Accordingly, the motion for default judgment is granted with respect to plaintiff’s Lanham Act claims of counterfeit goods, gray market goods, and false designation of origin as well as its

common law trademark infringement claim. The remaining claims of unfair competition under the Lanham Act and the common law, and the deceptive acts and practices claim under New York General Business Law § 349, are dismissed. Additionally, JLI is awarded \$50,000 in damages plus post-judgment interest.

Finally, plaintiff's request for permanent injunction is granted. Defendant, and its respective agents, servants, employees, and representatives and all persons in active concert and participation with them, during the pendency of this action and permanently thereafter, is prohibited from engaging or continuing to engage in infringing, unlawful, unfair, or fraudulent business acts or practices, including: the marketing, sale, distribution, and/or other dealing in any non-genuine JLI products, including fake counterfeit products or unauthorized grey market products; using without permission any mark or other intellectual property right of JLI; acting to infringe JLI trademarks; falsely designating the origin of any product to be from JLI; engaging in unfair competition with JLI; or acting in any other manner to derogate JLI's intellectual property rights.

So Ordered.

Dated: Brooklyn, New York
May 2, 2022

/s/ Eric N. Vitaliano

ERIC N. VITALIANO
United States District Judge